

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

DEMOND MONTREZ WILLIAMS,

Plaintiff

VS.

JACKSON COUNTY CORECTIONAL
INSTITUTE, Warden WEAVER,
Deputy Warden SHADBURN,
Lt. THOMAS, Sgt. SMITH,
Sgt. DOVE, Sgt. PEARSON,
Sgt. MANNING, Sgt. KANE, and
Officers (Whole Staff),

Defendants

NO. 5:08-CV-55 (CAR)

**PROCEEDINGS UNDER 42 U.S.C. §1983
BEFORE THE U. S. MAGISTRATE JUDGE**

ORDER OF TRANSFER

Plaintiff **DEMOND MONTREZ WILLIAMS**, an inmate at the Jackson County Correctional Institute in Jefferson, Georgia, has filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. He also seeks leave to proceed without prepayment of the filing fee or security therefor pursuant to 28 U.S.C. § 1915(a).

Plaintiff complains about second-hand smoke at Jackson County Correctional Institute.

It appears that venue in this district is improper. The venue provisions of 28 U.S.C. § 1391(b) provide in relevant part:

A civil action wherein jurisdiction is not founded solely on diversity of citizenship may ... be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same state, [or] (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred

Here, it appears that the events forming the basis of plaintiff's complaint occurred in Jackson County, Georgia, which is located in the NORTHERN District of Georgia. Moreover, all defendants reside in the Northern District of Georgia. Therefore, the Northern District of Georgia is the proper venue for this cause of action, not the Middle District.

Instead of dismissing this action, the Court may, in the interest of justice, transfer the case under 28 U.S.C. § 1631 to the Court in which venue would be proper. Accordingly, the Court **DIRECTS** the Clerk of the Court to transfer this action to the United States District Court for the Northern District of Georgia for all further proceedings.

SO ORDERED AND DIRECTED this 10th day of March, 2008.¹



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE

¹Plaintiff's motion to proceed *in forma pauperis* is transferred for further consideration in the Northern District of Georgia.